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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,840	12/07/2001	Kazuki Sakata	Q66840	7791
7590 05/29/2008 SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER THOMPSON, JAMES A				
ART UNIT		PAPER NUMBER		
2625				
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05/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/004,840

Applicant(s)

SAKATA ET AL.

Examiner

JAMES A. THOMPSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

ReOpen Prosecution

1. In view of the Appeal Brief filed on 17 March 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

Claim Objections

2. Claim 4 is objected to because of the following informalities: Claim 4 originally recited that "the breathable dustproof filter is an ULPA filter." Without any official amendment, claim 4 now recites that "the breathable dustproof filter is an ULM filter." Since an "ULM filter" is not disclosed in the specification, nor is such a breathable dustproof filter known to Examiner, "ULM filter" is clearly a clerical error and should read "ULPA filter". For the purpose of examining the claims over the prior art, Examiner will assume that "ULPA filter" is intended since such an interpretation is consistent with the specification and the application prosecution history. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakinami (USPN 5,197,562) in view of Ernst (USPN 6,543,078 B1).

Regarding claim 1: Kakinami discloses a sensor in a car window (figure 1c of Kakinami), comprising: a hood partitioned in consort with the car window (column 3, lines 9-16 of Kakinami) and disposed within a vehicle compartment area (figures 1b and 1c; and column 2, lines 54-58 of Kakinami); and a sensor main body (column 12, line 54 to column 3, line 4 of Kakinami - *described arrangement constitutes sensor main body*) having a lens (figure 1c(26) of Kakinami), at least said lens projecting into and housed within the hood (figure 1c and column 3, lines 9-13 of Kakinami - *lens housed within hood and projects onto video camera, and thus projects into hood*), wherein said sensor is operative to detect, through the lens, an object to be detected that is located in front thereof and outside of the vehicle compartment area (figure 3a and column 3, lines 50-63 of Kakinami).

Kakinami does not disclose expressly that a breathable dustproof filter is provided on a part of the hood.

Ernst discloses a breathable dustproof filter that is provided on a part of the hood (figure 8(46); column 4, lines 55-60; and column 6, lines 53-63 of Ernst).

Kakinami and Ernst are analogous art because they are from similar problem solving areas, namely how to best house and enclose electronic camera and video devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a breathable dustproof filter as part of the hood. The motivation for doing so would have been to provide better cleaning of electrostatically attracted contaminate particles for non-flat electronic devices (column 4, lines 55-64 of Ernst), such as the video camera taught by Kakinami. Therefore, it would have been obvious to combine Ernst with Kakinami to obtain the invention as specified in claim 1.

Further regarding claim 2: Ernst discloses that the breathable dustproof filter is detachably installed to a part of the hood (column 7, lines 38-43 of Ernst - *The dirty air is cleaned by being passed through filter assembly [46]. Thus, it is inherent that the breathable dustproof filter is detachably installed since, if the filter were not detachable, it would be impossible to replace or wash the filter. As is well-known in the art, a filter must be washed or replaced - depending on the type of filter involved - when a certain level of dust and residue has accumulated. Washing or replacing is not possible if the filter is not detachably installed. If one were to install a filter such that said filter is not detachable, the functionality of said filter would be defeated. In the context of the sensor in the car window taught by*

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Kakinami, said filter would be installed to a part of the hood since the lens of said sensor is housed within the hood.

Regarding claim 5: Kakinami discloses that the visual field of the lens coincides with the wiping range of a wiper provided on the front surface of the car window (figure 1b and column 3, lines 24-28 of Kakinami – *figure 1b of Kakinami shows that the whole camera device, including the lens, is in the area that is wiped by the windshield wiper*).

Regarding claim 6: Kakinami discloses that the sensor main body is a camera main body (figure 1c and column 2, lines 54-58 of Kakinami – *the sensor is a video camera, so the sensor main body is a camera main body*).

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakinami (USPN 5,197,562) in view of Ernst (USPN 6,543,078 B1) and Fujii (USPN 5,922,105).

Regarding claim 3: Kakinami in view of Ernst does not disclose expressly that the breathable dustproof filter is a HEPA filter.

Fujii discloses a breathable dustproof filter that is a HEPA filter (column 3, lines 24-26 of Fujii).

Kakinami in view of Ernst is combinable with Fujii because they are from similar problem solving areas, namely the removal of particulate matter from sensitive equipment. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically use a HEPA filter, as taught by Fujii. The motivation for doing so would have been that HEPA filters are both convenient and effective (column 3, lines 24-26 of Fujii). Therefore, it would have been obvious to combine Fujii with Kakinami in view of Ernst to obtain the invention as specified in claim 3.

Regarding claim 4: Kakinami in view of Ernst does not disclose expressly that said breathable dustproof filter is an ULPA filter.

Fujii discloses a breathable dustproof filter that is an ULPA filter (column 3, lines 24-26 of Fujii).

Kakinami in view of Ernst is combinable with Fujii because they are from similar problem solving areas, namely the removal of particulate matter from sensitive equipment. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically use an ULPA filter, as taught by Fujii. The motivation for doing so would have been that ULPA filters are both convenient and effective (column 3, lines 24-26 of Fujii). Therefore, it would have been obvious to combine Fujii with Kakinami in view of Ernst to obtain the invention as specified in claim 4.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Kreuzer et al., USPN RE38,967 E, Patented 07 February 2006, Filed 12 November 1991.
 - b. Campbell et al., USPN 6,170,955 B1, Patented 09 January 2001, Filed 27 February 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. THOMPSON whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward L. Coles/
Supervisory Patent Examiner, Art Unit 2625

James A. Thompson
/J. A. T./
Examiner, Art Unit 2625

24 May 2008